Background

HB540 was passed during the 2003 legislative session and provided that "trial jurors be selected from a combined list of qualified electors, licensed drivers and holders of Montana identification cards…" In 2005 the effective date of HB540 was extended from October 1, 2005 to October 1, 2007 (HB598-2005). This change was made at the request of a number of groups including associations representing Montana District Court Clerks and Montana Clerk and Recorders, the Department of Justice, and the Secretary of State's Office. (HB598-2005).

In December 2005 a task force was formed to identify the tasks necessary to successfully create and use the combined list for the selection of jurors in trial courts throughout Montana. The task force has met five (5) times.

Members of the task force include:

Shirley Faust, Missoula County Clerk of Court, Chair
Lori Malone, Silver Bow County Clerk of Court
Mary McMahon, Silver Bow County Clerk and Recorder
Greg Noose, Montana Department of Justice, Motor Vehicle Division
Elaine Graveley, Office of the Secretary of State
James Thomas, Office of the Secretary of State
Mark Van Alstyne, Office of the Secretary of State
Karen Nelson, Office of the Court Administrator, Court Technology Program
Dana Corson, Office of the Court Administrator, Court Technology Program

HB540 envisioned that the Department of Justice would provide a certified list of licensed drivers and identification holders to each county Clerk of the District Court (61-5-127, MCA). The Clerk of the District Court would provide the list to the Secretary of State. The Secretary of State would combine the Department of Justice list with the current list of registered electors, remove duplicates and then provide the list to the County Commissioners and Clerk and Recorders in each county to certify the list for use by the Clerk of District Court (3-15-402, MCA). The Secretary of State would then provide the list to the Clerk of the District Court (3-15-403, MCA). The Clerk of the District Court would then draw juror lists for all courts within the county (3-15-404, MCA and 46-17-202, MCA). Statutory language requiring the Clerk and Recorder to maintain a list of all persons permanently excused from jury service in the county remained in statute (3-15-402 (2), MCA).

One of the first issues the HB540 Task Force wrestled with was the HB540 process flow. Several key observations were made:

1) The Secretary of State's Office has implemented a new statewide voter system called "Montana Votes" as required by the Help America Vote Act (HAVA). This system was implemented in the spring of 2006. The Montana Votes system is a central system located in Helena and replaces a variety of county systems used by Clerk and Recorders to register voters. The Montana Votes system was used to produce jury lists for the 2006 and 2007 terms. The file format described on page 4 was used by courts statewide for the 2006 and 2007 terms.

2) One requirement of HAVA is to verify and validate the identities of persons registering to vote. In the fall of 2005, the SOS and the DOJ entered into a Memorandum of Understanding permitting the SOS to use DOJ driver license data to verify social security numbers and physical addresses. Consequently, the DOJ is already providing a list of drivers and identification card holders to the SOS.

3) The DOJ is also in the midst of a major system upgrade. The DOJ project is called "MERLIN" and is expected to be operational in the spring of 2008.

Task Force members agreed that the most logical way to create the combined list was for the DOJ to provide the information to the SOS and for the SOS to provide the combined list directly to the Clerk of the District Court. The Clerks of the District Court drafted proposed legislation to make these modifications. This legislation, HB341, sponsored by Dave Gallik was signed by the Governor on April 5, 2007.

The task force generally agreed on the steps outlined on pages 3 through 5 of this document to implement the combined list envisioned in HB540. However, at the task force meeting on 6/4/2007 members agreed to further research targeted data elements for city, county, district, ward and precinct to ensure sufficient data elements are provided through the SOS to accurately select jurors for Montana city courts.

The agreed upon steps are as follows:

Step One: DOJ-MVD provides an extract in April of each year from the Motor Vehicle system to the SOS containing the following data elements:

DOJ-SOS Extract
1. Driver License Number (most current only)
2. DOB
3. SSN Last 4 only
4. First Name
5. Middle Name
6. Last Name
7. Suffix (Sr., Jr. III, etc.)
8. Residence Address
9. Residence City
10. Residence Zip Code
11. Deceased Code
12. AKA First Name
13. AKA Middle Name
14. AKA Last Name
Additional Fields to Support Jury Processing
15. Mailing Address
16. Mailing City
17. Mailing Zip Code
18. Driver License Status
19. Driver License Type
*DOJ does not have County

Step Two: In May of each year the Secretary of State's Office will prepare a combined list for the Clerk of the District Court based on the following criteria.

  1.   Select all qualified electors.
  2.   Select all eligible Motor Vehicle records. A motor vehicle record is eligible if the deceased flag is set to no, the driver/ID holder is 18 years or older, and the License Type is: Driver (01), Commercial (02), Probationary Driver (03), ID Card (05), MC Only (10) **and** License Status is: CDL Temp (CL), Change SOR in Progress (CR), Learners License (LL), Suspended (SU), Traffic Ed Learners License (TL), Valid (VA)

3. Compare lists and remove duplicates. The voter registration file will be considered the preferred source for records, i.e., if a duplicate is found the elector record should be retained. A match is considered a duplicate if a match is made on at least three of the following identifiers: Last Name or AKA Last Name, Date of Birth, SOC (last 4-characters) or driver license number.

4. Create an extract for each county in the following format and test with IT staff from the Office of the Court Administrator.

Field#	Field Name	Start	Length	Type
1	TERM	1	4	Numeric
2	VOTER NUMBER	5	9	Numeric
3	LAST NAME	14	30	Alpha
4	FIRST NAME	44	30	Alpha
5	MIDDLE NAME	74	30	Alpha
6	MAILING ADDRESS	104	40	Alpha Numeric
7	MAILING CITY	144	25	Alpha Numeric
8	MAILING STATE	169	2	Alpha
9	MAILING ZIP + 4	171	9	Numeric
10	WARD	180	4	Alpha Numeric
11	HOME_PHONE	184	10	Numeric
12	SEQ NUMBER	194	10	Numeric
13	DATE OF BIRTH	204	8	Numeric (MMDDYYYY)
14	OLD VOTER REGISTRATION NUMBER	212	15	Character
15	LAST 4 DIGITS OF SSN	227	4	Numeric
16	MT DRIVER'S LIC # or MT ID CARD #	231	20	Alpha Numeric
17	RESIDENTIAL ADDRESS	251	40	Alpha Numeric
18	RESIDENTIAL CITY	291	25	Alpha Numeric
19	RESIDENTIAL STATE	316	2	Alpha
20	RESIDENTIAL ZIP + 4	318	9	Numeric

Field Meanings and Descriptions

1. **Term**, a four byte field representing the term starting for the juror, typically it is the four digit year like 2004 or 2005, or 2006.
2. **Voter Number**, up to a 9 byte numeric field right justified either with leading zeros or padded spaces that reflect the voter number used by the local Clerk and Recorder's office of the person. It is meant to be a unique number for the person.
3. *Last Name* used by the Voter Registration System *Left Justified*
4. **First Name** used by the Voter Registration System *Left Justified*
5. **Middle Name** used by the Voter Registration System *Left Justified*
6. **Mailing Address** used by the Voter Registration System *Left Justified*
7. *Mailing City* used by the Voter Registration System *Left Justified*
8. *Mailing State* used by the Voter Registration System *Left Justified*
9. **Mailing Zip Code**, up to 9 digits for Zip+4 format, if Zip + 4 unavailable, then supply 5 digit zip code *Left Justified*
10. **Ward**, is the code designation used to define residence within a city. Leave blank if no ward. If supplying a voter registration list that encompasses many cities and many wards, ward designations need to be unique across the data presented.
11. **Home Phone**, If available supply as a 3 digit area code, 3 digit for prefix or exchange, and the final 4 number for digits to constitute the remaining phone number. If not available, supply zeros to fill the field.
12. **Sequence Number** is an incrementing number right justified and packed with spaces and is unique amongst the records.
13. **Voter Date of Birth**, if none available, use all zeros.
14. **Old Voter Registration Number**, the number that was used by the county's previous voter system that was last used to identify the voter, left justified.
15. **Last 4 Digits of SSN**, The last 4 digits of the voter.
16. **MT Driver's License #**, or MT ID card #, The number assigned by MT representing the License # or ID number of the voter, *left justified* .
17. **Residential Address**, the address where the voter resides, *left justified* .
18. **Residential City**, The city where the voter resides, *left justified* .
19. **Residential State**, the state where the voter resides, *left justified* .
20. **Residential Zip Code**, the zip where the voter resides, up to 9 digits for Zip+4 format, if Zip + 4 unavailable, then supply 5 digit zip code *Left Justified*

Step 3: In May of each year the Secretary of State will provide the combined list to each county Clerk of the District Court.

1. The Clerk of the District Court shall randomly select the number of potential jurors for each court in the county for the term. The Office of the Court Administrator shall provide the Clerk of the District Court with a utility to randomly select a specified number of jurors for each court and, as appropriate, export a list to each court in the county.